

brake lights of the subject vehicle during the persistence of either application of the brakes of the subject vehicle as is determined by the first sensing, or **during brake light emissions** of a another vehicle as is determined by the second sensing" (claim 1) (boldface added).

Applicant's focus on **brake lights** is not merely incidental, nor substitutionary for deceleration (as might result from action by the driver of the car should brake lights be seen to the forward) and/or proximity (as might result from **in**action by the driver of the car should brake lights be seen to the forward), but is **fundamental** to Applicant's claimed invention that contemplate platooning, and the early effective communication of a specific event -- brake lights -- to the **fore** of a subject vehicle onward to the **rear** of the subject vehicle.

For example, **if** Applicant's system senses brake lights to the forward as might be (rarely) due to the driver of a vehicle to the forward "riding" his or her brakes (namely, as occurs when the driver's foot is constantly rested on the brake pedal), Applicant's subject vehicle will sense these brake lights and will perform to activate its **own** brake lights even though there may be **no** deceleration, **nor** any closing, **nor** even any danger (other than is presented by the effective loss of information from the vehicle whose driver is "riding the brakes").

The reference art of Bloomfield neither teaches nor suggests the sensing of brake lights to the forward of the vehicle.

(The additional reference art does nothing to overcome this omission. The only two patents dealing with optical systems -- where an optical sensing is seemingly required to sense brake **lights** -- are nos. 5,166,681 to Bottesch and no. 6,396,397 to Bos, et al. Although both patents mention brakes and/or brake lights, it is **not** in the context of sensing brake light emissions to the **forward** of the subject vehicle. See column 11, line 64, et seq., and also column 12, line 14, et seq., of Bottesch; and

column 2, line 58 of Bos, et al.)

Specifically, the Examiner cites column 5, lines 5-45 of Bloomfield for showing Applicant's claimed "second sensing of brake light emission of another vehicle to the forward of the subject vehicle". In fact, Bloomfield enumerates only "detection that an approaching vehicle has its lights on, a door is open on vehicle 12, or vehicle 12 is overheating or the like" (column 5, lines 7-1)" as "various less hazardous events" that may, exceeding a predetermined threshold, result in activation of the brake lights of the vehicle 16. (In context, any events which are "or the like" in the disclosure Bloomfield are those associated with potential, or probable, **deceleration** of the vehicle 12, which deceleration is to the primary concern of the Bloomfield system for **DECELERATION** BASED ANTI-COLLISION SAFETY LIGHT CONTROL FOR VEHICLE; and any such "or the like" events -- for example, an incipient engine knock -- would **not** include any sensing of brake lights to the forward.)

Indeed, Bloomfield goes on at column 5, line 17, et seq. to describe a proximity sensing system (by which brake lights will be activated or modulated), including proximity to the forward. The Examiner erroneously asserts that this **proximity** sensing, which may be optically based, is equivalent to Applicant's claimed sensing of **brake lights**. It is not. Brake lights are one thing, proximity is entirely something else. (Yes, the two may relate: bright dual brake lights sensed at a wide angular spacing may indicate proximity of a vehicle to the forward. But brake lights may be sensed **where there is no proximity**, and the sensing of proximity, per Bloomfield and other of the art of reference, does **not** depend upon any sensing of brake lights!)

Applicant is **not** using nor claiming "brake lights" as a substitute for proximity, and, to repeat, neither Bloomfield nor any other of the art of reference either teaches nor suggest of the sensing of **brake lights** to the forward of the vehicle.

Applicant's independent claims 9 and 20 likewise specify the sensing of **brake lights** to the **forward** of the subject vehicle (upon which Applicant's system is installed).

Note how many of Applicant's dependent claims deal with the preferred **optical** system for so sensing **brake lights**.

Should the Examiner still be tempted to find all sensing of vehicle (1) motion, and/or (2) environment, to be essentially equivalent, and therefore suggestive of Applicant's claimed specific sensor system, consider the following. In a line, or platoon, of cars Applicant's system will, when installed at least upon all cars within the line other than the first and/or the last, operate to nearly instantaneously communicate the activation of the brakes of a lead vehicle -- as indicated by lighting of this vehicle's brake lights -- "down the line" to every vehicle in line, including the last. Exactly how is this useful function to be realized, or suggested to be realized, by the systems of the reference art? It is **not** so taught or suggested. Applicant claims a system performing a function neither taught nor suggested by the reference art in any combination.

2. Summary

The present amendment and remarks have overcome and discussed each of the bases for the rejections presented in the Office Action. No new subject matter has been introduced by the present amendment.

In consideration of the preceding amendment and accompanying remarks, the present application is deemed in condition for allowance. The timely action of the Examiner to that end is earnestly solicited.

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Applicant's undersigned attorney is at the Examiner's disposal should the Examiner wish to discuss any matter which might expedite prosecution of this case.

Sincerely yours,

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July 14, 2004
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